

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ROBYN KRAVITZ, *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF COMMERCE, *et al.*

Defendants.

Civil Action No. 8:18-cv-01041-GJH

Hon. George J. Hazel

LA UNIÓN DEL PUEBLO ENTERO, *et al.*

Plaintiffs,

v.

WILBUR L. ROSS, in his official capacity
as U.S. Secretary of Commerce, *et al.*

Defendants.

Civil Action No. 8:18-cv-01570-GJH

Hon. George J. Hazel

**PLAINTIFFS' RULE 60(B)(2) MOTION FOR RELIEF FROM FINAL JUDGMENT &
REQUEST FOR INDICATIVE RULING UNDER RULE 62.1(A)**

In accordance with Federal Rule of Civil Procedure 60(b)(2), Plaintiffs in *Kravitz et al. v. U.S. Dep't of Commerce, et al.*, No. 8:18-cv-01041 and *LUPE v. Ross*, Case No. 8:18-cv-01570-GJH seek relief from this Court's April 5, 2019 judgment on Plaintiffs' claims based on the equal protection guarantee of the Fifth Amendment Due Process Clause (all Plaintiffs) and 42 U.S.C. § 1985 (*LUPE* Plaintiffs). Because these cases are currently on appeal to the United States Court of Appeals for the Fourth Circuit¹, Plaintiffs request an immediate indicative ruling

¹ Defendants filed notices of appeal for each of the above-captioned cases on April 8, 2019, and *LUPE* Plaintiffs filed a cross-appeal on April 16, 2019. The Fourth Circuit consolidated all three appeals under No. 19-1382.

under Federal Rule of Civil Procedure 62.1(a) that this Court would be inclined to grant Plaintiffs' Rule 60(b)(2) motion or that it raises a substantial issue on which Plaintiffs may then move for limited remand by the Fourth Circuit restoring this Court's full jurisdiction over the Equal Protection and § 1985 claims.

Plaintiffs seek relief under Rule 60(b) in light of new relevant evidence made public on May 30, 2019, which Plaintiffs could not previously have discovered despite their diligent discovery efforts. As explained in the accompanying memorandum, the newly discovered evidence reveals that the citizenship question was motivated by a desire to dilute Hispanic representation to the advantage of Republicans and non-Hispanic whites, and establishes that the Secretary, his advisors, and DOJ officials conspired with a prominent Republican redistricting strategist to add the citizenship question to the 2020 Census for that racially discriminatory purpose.

Dated: June 3, 2019

Respectfully Submitted,

/s/ Daniel Grant (Bar. No. 19659)

/s/ Denise Hulett

COVINGTON & BURLING LLP

Shankar Duraiswamy*

José E. Arvelo*

Dustin Cho*

Amee Frodle*

Daniel Grant (Bar. No. 19659)

Bianca Nunes*

Tina M. Thomas*

One CityCenter

850 Tenth Street, NW

Washington, D.C. 20001-4956

Tel: (202) 662-6000

Fax: (202) 662-6302

dgrant@cov.com

sduraiswamy@cov.com
jarvelo@cov.com
dcho@cov.com
afrodle@cov.com
bnunes@cov.com
tthomas@cov.com

P. Benjamin Duke*
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Tel: (212) 8411000
Fax: (212) 841-1010
pbduke@cov.com

Lawrence A. Hobel*
Karun Tilak*
COVINGTON & BURLING LLP
Salesforce Tower, 415 Mission Street
San Francisco, CA 94105-2533
Tel: (415) 591-6000
Fax: (415) 591-6091
lhobel@cov.com
ktilak@cov.com

Attorneys for Kravitz Plaintiffs

**MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND**

Thomas A. Saenz*
Nina Perales *
Denise Hulett*
Andrea Senteno*
Burth G. López (Bar No. 20461)
Tanya G. Pellegrini*
Julia A. Gomez*

1016 16th Street NW, Suite 100
Washington, DC 20036
Phone: (202) 293-2828
tsaenz@maldef.org
nperales@maldef.org
dhulett@maldef.org
asenteno@maldef.org

blopez@maldef.org
tpellegrini@maldef.org
jgomez@maldef.org

Attorneys for LUPE Plaintiffs

**ASIAN AMERICANS ADVANCING JUSTICE |
AAJC**

John C. Yang*
Terry Ao Minnis (Bar No. 20547)
Niyati Shah*

1620 L Street, NW, Suite 1050
Washington, DC 20036
Phone: (202) 815-1098
Facsimile: (202) 296-2318
jyang@advancingjustice-aajc.org
tminnis@advancingjustice-aajc.org
nshah@advancingjustice-aajc.org

Attorneys for LUPE Plaintiffs

**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that on this 3rd day of June 2019, I caused a copy of the foregoing Motion and all accompanying filings to be sent to all parties receiving CM/ECF notices in this case.

By: /s/ _____
Daniel T. Grant